

Minutes of a Regular Meeting

Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, MARCH 16, 2006, 7:00 p.m.

Council Chambers, 26379 Fremont Road

cc: Cassettes (1) #4-06

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Cottrell, Commissioners Carey, Kerns, Collins & Clow

Staff: Planning Director Carl Cahill; Planning Secretary Lani Smith and Victoria Ortland

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF SHAHIDI, 25349 La Rena Lane (207-05-MISC.); A request for a Final Map Certificate of Correction (Tract No. 1707) . CEQA status-Categorically Exempt per 15301(e) (staff-John Chau).

Planning Director Cahill introduced this item by reviewing the staff report indicating that the intent of the setbacks was to assure that there was adequate space for sanitary leach fields for each lot. It is not the current practice of the Town to require setback lines for sanitary sewer leach fields. It was unknown if the applicant was currently hooked up to sewer.

Brief discussion ensued.

OPEN PUBLIC HEARING.

CLOSED PUBLIC HEARING.

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Carey, seconded by Commissioner Clow and passed by consensus to recommend approval to the City Council of a Certificate of Correction amending a Final Map subject to the findings as recommended by Staff.

This item will be scheduled for a future City Council meeting.

- 3.2 LANDS OF ZAGHI, 14542 Yale Court (25-06-ZP-SD); A request for a Site Development Permit for a landscape screening plan. The proposal includes perimeter screening for a major addition of 2,349 square feet that was approved in June, 2003. CEQA status-Categorically Exempt per 15301(e) (staff-Brian Froelich). **(Continued to a future meeting.)**
4. OLD BUSINESS-none
5. NEW BUSINESS
 - 5.1 ORDINANCE AMENDMENTS TO THE TOWN'S ZONING CODE WITH REGARD TO PHOTOVOLTAIC POWER AND SOLAR THERMAL ENERGY GENERATION FACILITIES; SECTION 10-1.702. ACCESSORY USES AND STRUCTURES PERMITTED; SECTION 10-1.502, DEVELOPMENT AREA; AND SECTION 10-2.301, PERMITS.

Peter Evans, Chairman of the Energy Initiatives Committee (EIC) was not in attendance at this time.

Planning Director Carl Cahill introduced this item by reviewing the staff report. Cahill explained that the Energy Initiatives Committee was recommending that the Town provide incentives to property owners to install photovoltaic arrays and solar generation equipment. Two basic recommendations were considered: (1) With the installation of a photovoltaic system, a credit of 500 square feet of development area would be granted as well as (2) an exemption on the system up to 500 square feet.

Cahill stated that as part of the energy efficiency package, the Committee (EIC) proposed that new homes exceed the Title 24 requirements by fifteen percent and one of the ways to exceed those Title 24 requirements was through the installation of a solar system. Concerns were raised over the Title 24 implications of the ordinance. Planning Director Carl Cahill offered to provide the Planning Commission with Building Code Title 24 requirements to provide background information. He stated because it is beyond the scope of the zoning and site development ordinance, it would go directly to City Council versus needing to be subject to Planning Committee review.

Commissioner Carey asked, with respect to the EIC, if any Planning Department representatives were attending the EIC meetings since Planning Commissioners were not as far as he knew. He was concerned that the Planning Commission was on the verge of considering an ordinance that has a lot of planning implications and it could be a little premature to be considering ordinance language when there hasn't been any planning input prior to this Planning Commission discussion. Cahill offered that perhaps Planning Commission members would like to attend an EIC meeting to give their input.

Commissioner Cary offered that the incentive to install solar energy units is that you are doing the right thing for the environment and it pays you back in the future and the Town doesn't necessarily need to give you a bigger pool or patio just because you put solar panels on your

roof. He was comfortable with the concept of an exemption for part of the solar panels but not for a credit that can be used for any sort of development. Commissioner Collins agreed with Commissioner Carey. Commissioner Clow was in favor of the Town encouraging any type of incentive for solar development that did not cost the Town any money. Commissioner Kerns liked the idea of the incentive of 500 square feet and stated it seemed to be a creative way to encourage solar. Commissioner Collins stated that the credit appeared to open too many loopholes and there were many opportunities to construct something in 500 square feet that would not fit the lot.

Commissioner Carey stated that education for the public was more important than the MDA credit and he was concerned that the promotion of solar panels created the risk of creating eyesores and losing rural character and cautioned against allowing more development in Town just to encourage more solar. He felt that the Town should not give up something just to encourage something that really doesn't need encouraging to make sense for people.

Commissioner Clow stated that solar arrays do have a cost to the Town and make it a little bit less rustic and increases development to the negative. The positive side is more solar arrays but the issue needs a careful balance.

Commissioner Kerns discussed the option of landscaping solar panels to screen them and supported more solar arrays in Town.

Energy Initiative Committee Chairman Peter Evans arrived at 7:26 p.m.

Chairman Cottrell relayed to Mr. Evans the concerns of the discussion thus far including the issue of noticing neighbors for solar panel submittals and requiring landscaping. Discussion ensued on whether solar panel applications should be noticed and reviewed by the Planning Commission for placement and landscape screening.

Commissioner Carey asked if there had been other options considered to encourage solar.

Peter Evans explained that this discussion was part of a two pronged recommendation. The other prong of the recommendation was an efficiency ordinance where all new homes will be required to achieve 15 percent energy reduction from externally supplied sources either through energy efficiency measures or through photovoltaic systems. Every new home would need to go through that analysis and have an evaluation for energy efficiency and the photovoltaic option would be available.

Planning Commission discussed various options for using solar panel arrays to increase development area. Commissioner Kerns stated that the MDA credit will encourage people to put in solar panels to gain development area for whatever use. Commissioner Collins disagreed with giving credit "for whatever use". Chairman Cottrell agreed with Collins.

Chairman Cottrell proposed the construction, placement, or installation of any structure supporting Photovoltaic Power Generation Facilities that is not more than six (6') feet in height and not more than nine hundred (900) square feet in development area.

MOTION SECONDED AND PASSED: Motioned by Commissioner Kerns and seconded by Commissioner Clow to revise section 10-2.301 (8) to read "The construction, placement or installation of any structure supporting Photovoltaic Power Generation Facilities that is less than six (6) feet in height and less than nine hundred (900) square feet in development area."

AYES: Chairman Cottrell, Commissioners Kerns & Clow
NOES: Commissioners Collins & Carey

Discussion continued regarding the 500 square feet MDA credit.

Sandra Humpries, Environmental Design Committee, stated that basement area could be granted under a patio area given by the 500 square feet credit.

Chairman Cottrell proposed the passing of item A and not item B. He stated that the incentive to put in solar should not be to get more MDA, the incentive to put in solar is to save money on electricity over the long haul. He would add to item A that greater exemption may be allowed at the discretion of the Planning Commission.

Commissioner Cary asked Planning Director Carl Cahill to clarify that the action of the Planning Commission at tonight's meeting was not an approval but recommendations directing staff to come back with a revised ordinance.

MOTION SECONDED AND PASSED: Motioned by Commissioner Kerns and seconded by Commissioner Clow to revise Sec. 10-1.502 A to read "Photovoltaic Power Generation Facilities that are connected to the Grid and that are 500 square feet or less are exempt from the requirements of this section. Photovoltaic Power Generation Facilities greater than 500 sq. ft. in area are subject to the requirements of this section, unless the Planning Commission determines that the offsite visual impacts of the facility are adequately mitigated".

AYES: Chairman Cottrell, Commissioners Carey, Collins, Clow & Kerns

MOTION SECONDED AND PASSED: Motioned by Commissioner Cary and seconded by Commissioner Collins to strike from the ordinance Sec. 10-1.502 (5) B.

AYES: Chairman Cottrell, Commissioners Collins & Carey
NOES: Commissioners Clow & Kerns

Chairman Cottrell thanked Peter Evans and the members of the EIC for their work on the ordinance.

Peter Evans asked the Planning Commission members if they had any other questions about the EIC or any energy issues. Commissioner Collins asked about solar thermal energy facilities and was answered by Mr. Evans.

Commissioner Kerns had concerns about the cost impact of building a home that would exceed Title 24 requirements.

Peter Evans explained that home energy savings can be accomplished by having a more efficient air conditioner, sealed heating ducts, higher R rated windows, house wrap, and tankless hot water heaters.

Commissioner Kerns stressed the need for education of the public for energy credits that are available.

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for February 23rd-Cancelled

6.2 Planning Commission Representative for March 9th, Commissioner Cottrell reported on the following: Status Report by Councilmember Jones of the Ad Hoc Committee on Recreational Facilities of Discussions with the Friends of Westwind, and Consideration of Rezoning of Unincorporated San Antonio Hills Area: 82 Parcels (19.99 Acres) East of the Town of Los Altos Hills and South of the City of Los Altos, Generally between Magdalena Avenue and Eastbrook Avenue including Spalding Avenue, Par Avenue, Winding Way, Putter Avenue, and Putter Way and Consideration of Adoption of Negative Declaration: File #234-05-ZP.

6.3 Planning Commission Representative for April 13th-Commissioner Kerns

6.4 Planning Commission Representative for April 27th -Commissioner Collins

7. APPROVAL OF MINUTES

7.1 Approval of February 16, 2006 minutes

7.2

PASSED BY CONSENSUS: To approve the February 16, 2006 minutes.

8. REPORT FROM FAST TRACK MEETING-none

9. REPORT FROM SITE DEVELOPMENT MEETING- FEBRUARY 28 & MARCH 7, 2006

9.1 LANDS OF LAM, 23415 Camino Hermoso (193-05-ZP-SD-GD); A request for a Site Development Permit for a 543 square foot first story addition and 980 square foot secondary dwelling unit (maximum height 21'6" feet) (staff-Debbie Pedro). Approved with conditions.

9.2 LANDS OF DIMBA, 26565 Altamont Road (136-05-ZP-SD); A request for a Site Development Permit to install a 1,192 square foot pool, spa, and patio in the rear yard. The proposal complies with all development area and setback standards. (staff-Brian Froelich). Approved with conditions.

Lani Smith, Planning Secretary, was honored for her 14 years of service to the Town of Los Altos Hills with a humorous limerick composed by Commissioner Clow. Chairman Cottrell requested that the record show the Planning Commission members greatly appreciated the many efforts from Lani over the years she has served the Commission. Chairman Cottrell presented Lani with a gift and thanked her from all the Planning Commission members.

ADJOURNMENT

The meeting was adjourned by consensus at 8:21 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary

The minutes of the March 16, 2006, Planning Commission meeting were approved as corrected at the April 6, 2006, Planning Commission meeting.